

1 And it brings me to the fact that we seem to not
2 realize we have international treaties that may be well
3 established and that we may not have this water available to
4 us. With that in mind I think there ought to be another way
5 of bringing -- of having water to the west coast if not from
6 the east from the west.

7 But there's one thing I think we have overlooked to
8 one degree and that is that we are on the west side of the
9 Pacific plate and there is what is known as the San Andreas
10 Fault that starts at the Sea of Cortez and goes up north.

11 As I recall, there is -- according to those in the
12 know there is still yet a major earthquake that could
13 possibly impact the area. And if that were to be true it
14 could certainly askew the EIR/EIS considerably and possibly
15 we would have the continuation of the Gulf of Cortez as far
16 as up perhaps as Palm Springs.

17 We might be able to talk to Mexico and perhaps have
18 a west coast Navy in the Gulf of Cortez site. And if that
19 is the case, we would still have to have a desalination plan
20 over there perhaps, too.

21 Thank you.

22 MS. CARD: Thank you. Lawrence Anderson? It
23 appears that Lawrence Anderson is not here tonight.

24 Do we have any additional speaker cards? Is there
25 anyone in the audience who would like to step forward and

1 make a statement for the record?

2 We could allow a brief additional statement from
3 those who have already provided statement.

4 MS. VIGEAUT: I would just like to say I don't
5 believe the natural state of the Salton Sea is as a sink.
6 There is a lot of archeological evidence to support -- to
7 shows it's been a major fishing lake, huge lake, much bigger
8 at many times than it is now, used by the Indians for
9 thousands and thousands of years.

10 It is no more naturally a sink. It's been coming
11 and going on its own for several thousands of years. And
12 now we control its life blood. So -- because we have
13 harnessed the Colorado. Then it seems we have sort of a
14 duty. It's life is in our hands.

15 MS. CARD: Thank you. Could you, please, state
16 your name for the record.

17 MS. VIGEAUT: Yeah. Ingrid Vigeaut.

18 MR. ROSSMAN: Good evening. I'm Antonio Rossman.
19 I serve as special counsel to Imperial County. I don't want
20 to abuse the privilege. As you know, I spoke to you all
21 last night in El Centro. I just want to emphasize one point
22 about growth inducing impacts, which was just at the end of
23 our presentation last night.

24 And our prospective maybe a little bit different.
25 You have heard a lot of that debate here, which is obviously

Response to Comment P2-80

The commenter is correct in stating that the Sea has experienced a succession of dry and wet periods. The commenter is also correct in stating that archaeological evidence shows that the Sea has historically been used by Indian Tribes, mostly for fishing purposes. This information is included in Section 3.8, Cultural Resources, in the Draft EIR/EIS. However, the commenter is incorrect in stating that the Sea is not naturally a "sink." The Sea is located in a low-lying area, which collects drainage from the Imperial and Coachella Valleys and has with no natural outlet; therefore, from a geologic standpoint, it is a natural sink.

Response to Comment P2-81

Comment noted.

P2-80

P2-81

P2-81

P2-82

P2-83

1 the subtext of the debate about the future of this
2 community, which is not Imperial County's business.

3 But it is Imperial County's business to make sure
4 that as Californians we do the best we can to meet our
5 obligations to the Secretary of Interior and to the other
6 Colorado basin states who are going to be asking have we
7 done it right.

8 And without getting into the debates as to what the
9 ultimate project should look like because from Imperial
10 County's point of view, it is not adequately defined and
11 that is still a work in progress in which we are going to
12 have to participate. Let me strongly urge you to get this
13 growth inducing impact right.

14 And what speakers who say this is not a problem
15 ignore is that portion of the Bureau's EIS that acknowledges
16 that the no project alternative includes the loss of up to
17 or more than six hundred thousand acre-feet per year from
18 the Colorado River.

19 The no project alternative, if California is held
20 to her 4.4 million acre-foot allotment, which the Secretary
21 has made very clear, both the prior secretary and the
22 present secretary, that she will enforce that, is not a full
23 Colorado River aqueduct.

24 And, as I understand the law of the river and the
25 law of the Metropolitan Water District's preferential rights

Response to Comment P2-82

The definition of the Proposed Project was prepared in accordance with the guidelines and regulations of CEQA and NEPA, and is therefore adequately defined.

Response to Comment P2-83

Please refer to the Master Responses on *Other—Growth Inducement Analysis* and *Other—Desalination in SDWCA Service Area and Comments Calling for Increased Conservation* in Section 3 of this Final EIR/EIS.

1 program, which has already been validated in the San
2 Francisco Superior Court, the brunt of that loss is going to
3 be felt in this community.

4 So, this transfer is needed to sponsor additional
5 growth in this community. I'm not saying that's good. I'm
6 not saying that's bad. But, to fulfill your
7 responsibilities as lead agencies, Bureau and Imperial
8 Irrigation District, we have got to get this one right. And
9 this is the major legal flaw that we have seen in this
10 document.

11 People here have their motivation for having that
12 right. Imperial County's motivation is quite
13 straightforward. We are concerned that if there is going to
14 be a transfer, if it is going to include fallowing or not,
15 there must be full mitigation for all third-party impacts.

16 What is the source of that mitigation? We cannot
17 answer that question accurately until we know the value of
18 the water being transferred. We hopefully will understand
19 what the loss will be in the Imperial Valley. But what is
20 the benefit here?

21 It is vitally important that we get this growth
22 inducing impact right. And if I can conclude on some
23 personal testimony based on my experience with water
24 conservation in the City of Los Angeles, it is commendable
25 that water conservation now seems to be more successful in

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Response to Comment P2-84

Please refer to the Master Response on *Other—Growth Inducement Analysis* in Section 3 of this Final EIR/EIS.

1 this area than it was in the past.

2 For example, during the 1967 -- 77 drought when San
3 Diego escaped mandatory conservation while the rest of the
4 state was suffering cutbacks from 25 to 60 percent.

5 But in historical prospective, if San Diego was
6 able to accommodate five hundred thousand more people using
7 the same water as 1989, the City of Los Angeles since 1977,
8 when the Court of Appeal essentially ordered mandatory
9 conservation, is using today the same amount of water that
10 it used in 1977, serving one million more people.

11 So, there is a lot more room for conservation here.
12 Thank you very much.

13 MS. CARD: Thank you.

14 MR. CZAMANSKE: If I may make a few additional
15 comments. Following up on the last --

16 MS. CARD: Please state your name for the record.

17 MR. CZAMANSKE: David Czamanske for the Sierra
18 Club. If I may just make a couple statements following up
19 on the previous speaker here, one of the objectives of the
20 26-member agencies, the Metropolitan Water District, is to
21 increase their reliance on local water supplies, i.e., local
22 ground water, conservation, water recycling and so on,
23 therefore decreasing their dependence on the Metropolitan
24 Water District.

25 So, that process in itself makes possible space in

P2-83

P2-84

P2-84

1 the Colorado River aqueduct for additional water, i.e., this
2 water transfer to be transferred to San Diego County Water
3 Authority for the purpose of growth development.

4 If I could make some quick comments on the
5 Executive Summary and I'm going to give some page
6 references. So, if you have that document, you might want
7 to refer to that, pull it out and refer to it real quickly.

8 I would point out on both page -- on page five it
9 indicates that the proceeds for water transfers are to be
10 used for water conservation techniques and, quote, "as well
11 as environmental mitigation costs and other implementation
12 costs."

P2-85

13 So, I think in terms of the cost structure of this
14 project, the responsible agencies want to minimize the cost
15 of environmental mitigation are as quite clear under the
16 Endangered Species Act that costs -- financial costs must be
17 part of the proposal and, in fact, the Fish and Wildlife
18 Service cannot give incidental take permits without the
19 agencies coming forward and specifying how they are going to
20 pay for the mitigation they are proposing.

P2-86

21 You will see that again cited on page seven where
22 it sites ESA Section 10. On page twelve, I think there's an
23 error. The no project alternative is alternative number
24 one, not number two.

P2-87

25 On page twelve, it also states that where the no

Response to Comment P2-85

Prior to issuance of the Incidental Take Permit, an implementation agreement for the HCP would be completed between IID, USFWS, and CDFG. The implementation agreement will include assurances that adequate and reliable funding is available to implement all measures included in the HCP.

Response to Comment P2-86

The commenter is correct. The No Project alternative is Alternative 1, not Alternative 2. The text has been corrected. See subsection Executive Summary in Section 4.2, Text Revisions in this Final EIR/EIS.

Response to Comment P2-87

The statements referred to by the commenter regarding the environmentally superior alternative are not inaccurate. The Proposed Project has built into it the flexibility to be implemented with any type of conservation measure and any amount of conservation up to 300 KAFY. So while Alternative 2, 130 KAFY using on-farm conservation measures only, is identified as the environmentally superior alternative, the Proposed Project could be implemented using those parameters, and in that case, it would also be environmentally superior to the other alternatives.

1 project alternative is environmentally preferable or
2 environmentally superior, which it is in this case, that
3 under CEQA the next environmental superior alternative needs
4 to be identified.

5 That alternative is alternative number two. But
6 then the statement at the bottom of the page on page twelve
7 is incorrect in that it states "however, this therefore is
8 the environmentally superior alternative."

9 No, that is, quote, the next or the second most
10 environmentally superior alternative. That needs to be
11 corrected. And the following sentence as well, 12 and 13,
12 "the proposed project includes the flexibility to
13 implemented it with the same merits -- methods and
14 quantities as alternative two and so it could also, if
15 implemented in this manner, be considered environmentally
16 superior."

17 No, it cannot. Environmental two is the second
18 most environmentally superior project. Three and four are
19 not be any means equal to number two, and that needs to be
20 clarified. This -- you might say it shares many
21 characteristics with the second most superior alternative,
22 but it is not the same. And that statement is totally
23 inaccurate.

24 Eighteen statements that the impact on biological
25 resources is not significant. I -- and I think most of the

Response to Comment P2-88

The effects of the Proposed Project on selenium and resultant potential effects to biological resources from changes in selenium were evaluated, and mitigation actions were identified for significant impacts. Refer to the Master Response on *Hydrology—Selenium Mitigation* in Section 3 in this Final EIR/EIS.

P2-88

1 environmental community is going to disagree with that most
2 strongly. Selenium affects wildlife, aqueduct life in the
3 drains and in the New River and in the Alamo River and the
4 impacts on the Salton Sea are going to affect the biological
5 resources of the Salton Sea.

P2-89

6 Page 21, recreation. It indicates that the impact
7 on boat launching and mooring facility is less than
8 significant. I ask the question what about the boating
9 experience itself? People who want to tour the sea for
10 pleasure or go water skiing or whatever. They are not going
11 to have the same experience with a lake level that is 22
12 feet lower and a much smaller sea.

P2-90

13 On page 23, recreation. Reduced opportunities for
14 bird-watching and water fowl hunting. This it said would be
15 mitigated with creating the fish hatchery and five thousand
16 acres of man made wetlands. This is not the same experience
17 as what exists there now. The air quality impacts on a
18 potential dust storms have been indicated before.

P2-91

19 I will just summarize a couple -- on the last
20 couple of pages and then I will wrap up. Twenty-nine, the
21 aesthetic experience. It is talking about that would be
22 mitigated. I would suggest to you that the mitigations
23 proposed there are -- do not change the aesthetic feature --
24 the aesthetic experience of being there. Namely, relocating
25 recreational facilities lower on the shoreline does not

Response to Comment P2-89

With the implementation of the Salton Sea Habitat Conservation Strategy, as described in the Master Response on *Biology—Approach to Salton Sea Habitat Conservation Strategy* (in Section 3 of this Final EIR/EIS), the elevation of the Salton Sea will not begin to decline until at least the Year 2030, and the ultimate elevation under the Proposed Project would be approximately -240 ft msl, reducing the surface area of the Salton Sea by approximately 16,000 acres (or 25 square miles). The primary recreation use of the Sea is associated with the fishery. The Salton Sea Habitat Conservation Strategy mitigates Project impacts to fish. Since it can be assumed that recreation use would decline under the Baseline once fish are no longer able to reproduce, the Project impacts associated with the decline in surface area are still not considered to be significant.

Response to Comment P2-90

Please refer to the Master Response on *Biology—Approach to the Salton Sea Habitat Conservation Strategy* in Section 3 of this Final EIR/EIS.

Response to Comment P2-91

With implementation of the Salton Sea Habitat Conservation Strategy, the projected elevation at the end of the 75-year project term is expected to be -240 msl, rather than -250 msl projected as a worst-case scenario for the Proposed Project in the Draft EIR/EIS. As a result, the impacts to aesthetics are expected to be somewhat reduced. The visual simulations for Alternative 4 in the Draft EIR/EIS, Section 3.11 Aesthetics, best represents the effect the Proposed Project will have with implementation of the Salton Sea Habitat Conservation Strategy. However, no Project effects to the Salton Sea, including aesthetics, would occur until after 2030.

P2-91

1 mitigate for adverse aesthetics nor does putting up
2 interpretive facilities mitigate for adverse aesthetics.

P2-92

3 Also, there is a statement on the left side of that
4 page there, "the shoreline is expected to decline to minus
5 250 feet." That's a drop of 22 feet. And I think it needs
6 to say it is not just a drop of 22 feet in elevation, but
7 you need to measure the horizontal distance. In some cases
8 it is miles that the shoreline is being receded.

P2-93

9 And finally, the socioeconomic impacts discuss net
10 loss of jobs and 97 million dollars in lost business output
11 on page 40. What about the positive economic effects of
12 money from the water transfer received from San Diego?

13 There's also a statement there the assumption that all the
14 transfer payments not spent on water conservation and so on
15 quote, "will be passed on to participating farmers." Why is
16 this the assumption? Why is this --

17 MS. CARD: I have to ask you to wrap up, please.

18 MR. CZAMANSKE: Some of the funds to farm laborers.

P2-94

19 And finally, on environmental justice I would suggest to you
20 that the air and water quality impacts may very well
21 disproportionally impact farm laborers, low income and
22 minority people and I think that needs to be discussed in
23 that particular section.

24 Thank you very kindly for your patience. I
25 appreciate it.

Response to Comment P2-92

The amount of exposed surface area resulting under the Baseline, Proposed Project and the Alternatives is discussed elsewhere in the Draft EIR/EIS. In particular, Figures 3.1-28, 3.1-31, 3.1-33, 3.1-35, and 3.1-37 and the accompanying text describe the area exposed under the different scenarios. A discussion of the impacts associated with this decline in the elevation of the Salton Sea is included in Sections 3.6, Recreation; 3.7, Air Quality; 3.11, Aesthetics; 3.9, Indian Trust Assets; and 3.15, Environmental Justice.

For further information concerning the potential air quality impacts associated with the exposure of surface area of the Salton Sea, see the Master Response on *Air Quality-Salton Sea Air Quality Monitoring and Mitigation Plan* in Section 3 of this Final EIR/EIS.

Response to Comment P2-93

The Draft EIR/EIS presents the combined net socioeconomic effects for each modeling scenario presented, including the beneficial effects of dollars entering the Imperial County economy along with either the adverse effects of fallowing or the beneficial effects of spending for on-farm irrigation system improvements and water delivery system improvements. The effects on the regional economy for each of these three economic change categories is presented at a disaggregated level in Appendix G of the Draft EIR/EIS.

The actual redistribution of transfer revenue received from the sale of water conserved within the IID water service area has not yet been identified. To estimate the impact to the Imperial County economy, some modeling assumptions had to be made. Therefore, it was assumed that the benefits of conservation would go towards those directly responsible for conserving the water that would be transferred.

Response to Comment P2-94

In response to comments received, the Environmental Justice section of the Draft EIR/EIS has been revised. Refer to subsection 3.15, Environmental Justice in Section 4.2, Text Revisions of this Final EIR/EIS.

1 MS. CARD: Thank you. Please, if you are making a
2 second statement, please, be sure to stay within the time.
3 It would be very helpful. Thank you.

4 MS. MICHEL: Excuse me. My name is Suzanne Michel
5 and I have very brief comments. The first comment was in
6 response that there will be no net new water because the
7 Colorado River aqueduct is already full. And there is no
8 other way -- I think the assumption is there is no other way
9 to transport water to this region I believe is misleading
10 because the IBWC, International Battery Water Commission, is
11 examining the possibility of building a bi-national aqueduct
12 to be shared by Tijuana and San Diego to bring in this --
13 whatever you want to call additional water to the region.
14 So, there are currently now studies to undergo new transport
15 facilities and so that's why we are concerned.

16 In terms of water conservation, again, I advise a
17 consultant to look at literature on water transfers and
18 growth, but also look at the literature on conservation.
19 Amy Vickers is one of the most renowned experts on water
20 conservation, and she analyzed that one of the biggest
21 problems in the west is outdoor water use.

22 She ranked the top five people -- cities that use
23 the most outdoor water and San Diego is in that top five in
24 terms of outdoor water use. Look at all those green lawns.
25 There are other alternatives to having green lawns and

Response to Comment P2-95

SDCWA is currently studying the feasibility of a bi-national water conveyance pipeline that could transport Colorado River water to the San Diego and Tijuana areas. The study is still being developed, and the feasibility of such a project has not been determined. The conveyance pipeline is not part of the Proposed Project. If SDCWA were at some point to make a decision to proceed with the conveyance pipeline, a number of financial, environmental, and institutional concerns would first have to be identified, addressed, and satisfied.

Response to Comment P2-96

Please refer to the Master Response on *Other—Desalination in SDWCA Service Area and Comments Calling for Increased Conservation* in Section 3 of this Final EIR/EIS.

P2-95

P2-96